

# Exhibit 20

1  
2 UNITED STATES DISTRICT COURT NEW YORK  
3 FOR THE EASTERN DISTRICT OF NEW YORK  
4 -----X  
5 MARTIN TANKLEFF,  
6 Plaintiff,  
7 -against-  
8 THE COUNTY OF SUFFOLK, K. JAMES McCREADY,  
9 NORMAN REIN, CHARLES KOSCIUK, ROBERT DOYLE,  
10 JOHN McLELHONE, JOHN DOE POLICE OFFICERS  
11 #1-10, RICHARD ROE SUFFOLK COUNTY EMPLOYEES  
12 #1-10,  
13 Defendants.  
14 -----X  
15 666 Old Country Road  
16 Garden City, New York  
17 April 14, 2014  
18 9:30 a.m.  
19 DEPOSITION of MIKE CARMODY, a Non-Party  
20 Witness herein, taken by the Plaintiff,  
21 pursuant to Federal Rules of Civil Procedure  
22 and Notice, held at the above-mentioned time  
23 and place, before Dolly Fevola, Notary  
24 Public of the State of New York.  
25

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1  
2 STIPULATIONS  
3 IT IS HEREBY STIPULATED AND AGREED, by  
4 and among counsel for the respective parties  
5 hereto, that the filing, sealing and  
6 certification of the within deposition shall  
7 be and the same are hereby waived;  
8 IT IS FURTHER STIPULATED AND AGREED that  
9 all objections, except as to form of the  
10 question, shall be reserved to the time of  
11 the trial;  
12 IT IS FURTHER STIPULATED AND AGREED that  
13 the within deposition may be signed before  
14 any Notary Public with the same force and  
15 effect as if signed and sworn to before the  
16 Court.

\* \* \*

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1  
2 APPEARANCES:  
3  
4 NEUFELD SCHECK BRUSTIN, LLP  
5 Attorneys for the Plaintiff  
6 666 Old Country Road  
7 Garden City, New York 11530  
8 BY: BARRY POLLACK, ESQ.  
9 BRUCE BARKET, ESQ.  
10  
11 SUFFOLK COUNTY DEPARTMENT OF LAW  
12 Attorneys for the Defendants  
13 H. Lee Dennison Building  
14 Hauppauge, New York  
15 BY: BRIAN MITCHELL, ESQ.

11 ALSO PRESENT:  
12 MARTIN TANKLEFF  
13

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4

1 M. Carmody  
2 MICHAEL CARMODY, after  
3 having been first duly sworn by a Notary  
4 Public of the State of New York, was  
5 examined and testified as follows:  
6 EXAMINATION BY  
7 MR. POLLACK:

8 Q State your name for the record,  
9 please?

10 A Mike Carmody.

11 Q State your address, please.

12 A 30 Yaphank Avenue.

13 MR. MITCHELL: And just for the  
14 record, in the event there comes a  
15 time that if you try the case and  
16 you want the retired Detective  
17 Carmody, we'll agree to produce him.

18 MR. POLLACK: Mr Carmody, my  
19 name is Barry Pollack and I  
20 represent the Plaintiff, Martin  
21 Tankleff.

22 At any point during the  
23 deposition, if I ask you a question  
24 and you don't understand it, let me  
25 know and I will rephrase the

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1 M. Carmody  
 2 question for you. If you don't ask  
 3 me to do so, I'll assume that you  
 4 understood the question. Does that  
 5 make sense?  
 6 THE WITNESS: Yes, it does.  
 7 Q I'd like to start by going back  
 8 to September of 1988. At that point, how  
 9 long had you been a homicide detective for  
 10 Suffolk County.  
 11 A Approximately 20 years.  
 12 Q How did you first hear of the  
 13 incident at the Tankleff residence?  
 14 A I received a phone call at  
 15 home.  
 16 Q Received a phone call from  
 17 whom?  
 18 A I believe it was from Sergeant  
 19 Doyle.  
 20 Q I'm going to mark this as  
 21 Exhibit Carmody 1.  
 22 (Whereupon, Plaintiff's  
 23 Exhibit, Carmody 1, was marked for  
 24 identification.)  
 25 Q Mr Carmody, go ahead and take  
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1 M. Carmody  
 2 as much time as you need, but I've handed  
 3 you what we marked as Carmody Exhibit 1 and  
 4 my first question is just going to be  
 5 whether or not you recognize these notes?  
 6 A It looks like my handwriting.  
 7 You want me to read all this?  
 8 Q Take as much time just to flip  
 9 through it and see if you can verify if  
 10 those are, in fact, your notes.  
 11 A Okay. These are my notes, a  
 12 copy.  
 13 Q And when were these notes  
 14 taken?  
 15 A Taken? You mean when I wrote  
 16 them?  
 17 Q Yes, when did you originally  
 18 write these notes? Were these  
 19 contemporaneous notes you took on the date  
 20 of the Tankleff incident?  
 21 A Yes.  
 22 Q That date was early morning  
 23 September 7, 1988?  
 24 A Yes, sir.  
 25 Q So these notes would have been

1 M. Carmody  
 2 taken on that date?  
 3 A Yes.  
 4 Q And if you look at the first  
 5 page you had indicated a moment ago that you  
 6 thought you initially heard of the incident  
 7 from a phone call from Detective Doyle.  
 8 Does this change your recollection on that  
 9 at all?  
 10 A Yes.  
 11 Q Go ahead and tell us what your  
 12 current recollection is.  
 13 A My notes indicate that I  
 14 received a call from the duty officer,  
 15 Sergeant -- looks like -- Seits.  
 16 Q What do you recall you learned  
 17 in that phone call?  
 18 A Just that there was a possible  
 19 homicide at 33 Seaside Drive, Belle Terre.  
 20 Q What did you do as a result of  
 21 receiving that phone call?  
 22 A Got dressed and headed out to  
 23 pick up my partner, John Pfalzgraf, at his  
 24 residence in Lindenhurst.  
 25 Q Okay. And did you speak to  
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1 M. Carmody  
 2 anyone else at that point?  
 3 A Not that I recall, sir.  
 4 MR. POLLACK: Mark this as  
 5 Carmody 2.  
 6 (Whereupon, Plaintiff's  
 7 Exhibit, Carmody 2, was marked for  
 8 identification.)  
 9 Q Mr. Carmody, it's several  
 10 pages. So Carmody 2 is an excerpt from  
 11 testimony from Detective Sergeant Doyle and  
 12 I want to just refer you to the page that  
 13 has 2604 at the top upper right-hand corner.  
 14 A Okay.  
 15 Q And if you look at the answer  
 16 that he gives on lines 23 and 24, he says, I  
 17 received a call from Detective Carmody at  
 18 approximately 7:05 a.m.  
 19 Does that refresh your  
 20 recollection as to whether or not you spoke  
 21 to Detective Sergeant Doyle that morning?  
 22 A No.  
 23 Q You don't recall that  
 24 conversation at all?  
 25 A I could have called him. I

1 M. Carmody  
 2 **probably did, but I don't remember.**  
 3 Q Okay. What do you recall doing  
 4 after you picked up Detective Pfalzgraf?  
 5 A **We went to Mather Hospital.**  
 6 Q Why did you go to Mather  
 7 Hospital?  
 8 A **I was instructed to go there.**  
 9 Q By whom?  
 10 A **Again, I believe it was**  
 11 **Sergeant Doyle. I don't know at what point**  
 12 **we spoke, but I know I was instructed to go**  
 13 **there with John.**  
 14 Q Okay. Now, how did assignments  
 15 work in terms of which detective would be  
 16 the lead detective on any homicide  
 17 investigation as it came in?  
 18 A **Generally, it was the detective**  
 19 **that would be on call on the team for that**  
 20 **particular day.**  
 21 Q And were you on call that  
 22 particular day?  
 23 A **No.**  
 24 Q Mr Carmody, let me read to you  
 25 an excerpt from testimony from Detective

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1 M. Carmody  
 2 McCready, and I'm going to ask if that  
 3 refreshes your recollection in any way.  
 4 And I'm sorry, I'm reading from  
 5 his cross-examination at Page 3525, which is  
 6 DW013905.  
 7 What generally occurs is, if a  
 8 homicide occurs, we had basically a batter  
 9 order and the next person up for a murder  
 10 would be assigned the particular case.  
 11 Now, that rule does not hold  
 12 hard and fast. Originally, Detective  
 13 Carmody was going to be the assigned officer  
 14 on this case; however, strictly due to the  
 15 fact that I was the first detective on the  
 16 scene, the knowledge that I gained while I  
 17 was on the scene, Detective Sergeant Doyle  
 18 took it upon himself to reassign so to speak  
 19 the case to me.  
 20 Based on that testimony, do you  
 21 recall whether or not it was your turn so to  
 22 speak when the Tankleff homicide arose?  
 23 A **No, sir.**  
 24 Q It does not refresh your  
 25 recollection one way or the other?

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1 M. Carmody  
 2 A **Not at all.**  
 3 Q Okay. You don't have any  
 4 current knowledge of why it is that  
 5 Detective McCready was assigned to be the  
 6 lead detective on the Tankleff homicides?  
 7 A **No, sir.**  
 8 Q What do you recall doing when  
 9 you arrived at Mather Hospital?  
 10 A **I spoke to a detective there.**  
 11 Q You recall which detective?  
 12 A **I believe it was Robert Olin, I**  
 13 **believe. I believe he was a sixth squad**  
 14 **detective.**  
 15 Q And what do you recall learning  
 16 in the course of that conversation?  
 17 A **Just that the victim, Mr.**  
 18 **Seymour Tankleff, had been brought into the**  
 19 **hospital with severe head injury and he told**  
 20 **me that his throat was cut.**  
 21 Q Do you recall anything else  
 22 that you learned in that conversation?  
 23 A **No.**  
 24 Q Was Detective Pfalzgraf with  
 25 you for that conversation?

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1 M. Carmody  
 2 A **I don't recall.**  
 3 Q What do you recall doing next  
 4 after that initial conversation with the  
 5 detective?  
 6 A **I believe I remember going into**  
 7 **the emergency room and I spoke to Dr. Roth**  
 8 **and I also spoke to a patrolman. That would**  
 9 **have been Eames.**  
 10 Q For the conversation with Dr.  
 11 Roth, was Detective Pfalzgraf with you?  
 12 A **I don't recall.**  
 13 Q What about the conversation  
 14 with Patrolman Eames?  
 15 A **Again, I don't recall.**  
 16 Q Anyone else that you recall  
 17 speaking to at the hospital?  
 18 A **The ambulance crew people.**  
 19 Q And what did you learn in the  
 20 course of your conversation with the  
 21 ambulance crew?  
 22 A **Basically, that they were**  
 23 **dispatched a little after 6:00 a.m. in the**  
 24 **morning to 33 Seaside Drive, Belle Terre.**  
 25 **Upon their arrival, they were**

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1 M. Carmody  
2 **met by a young man who was outside the**  
3 **house, I believe they told me. They entered**  
4 **the house with him, they went to the room**  
5 **where the father had been or was, and they**  
6 **administered aid to him, one of the**  
7 **ambulance people. I believe her name was**  
8 **Curley, I believe. The young man who I**  
9 **believe was Mr. Tankleff told her that his**  
10 **mother was in another part of the house and**  
11 **she went to that part of the house to tend**  
12 **to the mother. She checked the body out and**  
13 **she was nonresponsive.**  
14 **I recall her telling me that**  
15 **Mr. Tankleff was by the bedroom door that**  
16 **led -- by the bedroom door by the entrance**  
17 **door and asked several times if she was**  
18 **alive or if she was dead rather. That is as**  
19 **much as I remember.**  
20 MR. POLLACK: Let's mark this  
21 as Carmody 3.  
22 (Whereupon, Plaintiff's  
23 Exhibit, Carmody 3, was marked for  
24 identification.)  
25 **Q** Mr. Carmody, take as much time  
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1 M. Carmody  
2 as you need but my initial question is, do  
3 you recognize this as a supplemental report  
4 that you prepared?  
5 **A Yes, it is.**  
6 **Q** And when did you prepare this  
7 report?  
8 **A On the eighth of September,**  
9 **1988.**  
10 **Q** And it is relaying events of  
11 the previous day, the 7th?  
12 **A Yes, sir.**  
13 **Q** And did you use the notes that  
14 are in Carmody Exhibit 1 in the preparation  
15 of this report, Carmody Exhibit 3?  
16 **A At this time, I don't recall**  
17 **but more than likely did.**  
18 **Q** That would be your typical  
19 practice?  
20 **A It would.**  
21 **Q** And I'm going to ask you to  
22 take a look at Page 3 of the supplemental  
23 report in the first partial paragraph about  
24 half to three quarters of the way down it  
25 says, Ms. Curley noted dry blood in the  
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1 M. Carmody  
2 scalp area of the victim's head and hair.  
3 She described the victim's condition as  
4 unresponsive and that she was breathless,  
5 pale, red pupil was dilated and the eyelid  
6 was open.  
7 She also noted that the victim  
8 was wearing a light blue nightgown with dry  
9 blood on the front.  
10 Do you recall learning that  
11 information on the 7th at Mather Hospital  
12 from Ethel Curley of the hospital crew?  
13 **A This does refresh my**  
14 **recollection somewhat, yes.**  
15 **Q** And what significance did it  
16 have to you the fact that there was dry  
17 blood on the scalp area of Arlene Tankleff  
18 or dry blood on the front of her nightgown?  
19 MR. MITCHELL: I object to the  
20 form. You can answer.  
21 **Q** What significance, if any, did  
22 it have to you?  
23 **A The significance it would have**  
24 **to me would be that it was there a while.**  
25 **Q** What does that mean to you as a  
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1 M. Carmody  
2 homicide detective?  
3 **A Well, that something happened**  
4 **to her earlier on. I would think that dry**  
5 **blood would indicate that something happened**  
6 **much earlier than when she arrived there.**  
7 **Q** When you say much earlier, are  
8 you able to give any definition to that in  
9 terms of how much earlier? Does that mean  
10 five minutes earlier, an hour earlier,  
11 several hours earlier?  
12 **A I couldn't. Just that if**  
13 **something, in my own mind as a detective, if**  
14 **someone came to the scene and said that**  
15 **there was dry blood and they were just**  
16 **dispatched there, one would expect to see**  
17 **wet blood.**  
18 **Q** So the fact that it's dry would  
19 suggest to you the assault occurred sometime  
20 earlier than when the ambulance crew  
21 arrived?  
22 **A Yes.**  
23 **Q** In that last paragraph there is  
24 a description from Ms. Curley of the  
25 condition of Seymour Tankleff when she  
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1 M. Carmody  
 2 arrived and, again, probably about  
 3 three quarters of the way down that  
 4 paragraph it says, "a towel was around the  
 5 victim's neck and dry blood noted on his  
 6 forehead and arms. Clumps of blood were  
 7 noted on the floor and chest area of the  
 8 victim. Also, dry and fresh blood were  
 9 observed on the floor around the body."  
 10 Does that refresh your  
 11 recollection of getting that description  
 12 from Ms. Curley about Seymour Tankleff?  
 13 **A Yes.**  
 14 **Q** Again, what significance, if  
 15 any, did you attach as a homicide detective  
 16 to that description? What was significant  
 17 to you about that description?  
 18 MR. MITCHELL: I object to the  
 19 form. You can answer.  
 20 **Q** If anything?  
 21 **A Pretty much the same as with**  
 22 **Arlene Tankleff, that something happened**  
 23 **much earlier.**  
 24 MR. MITCHELL: Can I just make  
 25 one clarification on the record.  
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1 M. Carmody  
 2 What's been marked as Carmody 3  
 3 there's some -- what looks like pen  
 4 marks or just written marks circling  
 5 around those written phrases and can  
 6 you clarify, do you recall,  
 7 Detective, if you made those marks?  
 8 THE WITNESS: I did not make  
 9 those circles.  
 10 MR. MITCHELL: Barry, do you  
 11 know who made the marks?  
 12 MR. POLLACK: I don't but I  
 13 certainly accept that they were not  
 14 in the original and that they were  
 15 made at some point during the  
 16 litigation.  
 17 MR. MITCHELL: Okay. Thank  
 18 you.  
 19 **Q** Now, you also indicated,  
 20 Detective Carmody, that you spoke to Dr.  
 21 Roth, correct?  
 22 **A Yes, sir.**  
 23 **Q** And who was Dr. Roth?  
 24 **A He was the attending physician**  
 25 **at the hospital.**  
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1 M. Carmody  
 2 **Q** Let me have you look at Carmody  
 3 1. Those are your notes?  
 4 **A Yes, sir.**  
 5 **Q** If you look at the second page  
 6 that has at the bottom 4/5/09, are these  
 7 notes that you took in conjunction with your  
 8 discussion with Dr. Roth that morning at  
 9 Mather Hospital?  
 10 **A Yes.**  
 11 **Q** At the top it says Dr. Robert  
 12 Roth?  
 13 **A Yes, sir.**  
 14 **Q** And if you could read to me  
 15 those next three lines?  
 16 **A "Slash throat. Front deep." I**  
 17 **have back -- I don't recall what I was**  
 18 **trying to say here. B-A-C-K. It looks like**  
 19 **B-A-C-K. I would assume that was -- I'm**  
 20 **assuming that it was probably something to**  
 21 **the head injury to the back of the head**  
 22 **because right under that I have written,**  
 23 **"depressed skull fracture to back of head."**  
 24 **Q** And then what's that next line?  
 25 **A Brown matter. The doctor had**  
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1 M. Carmody  
 2 **told me that that he witnessed brown matter**  
 3 **coming from the skull fracture of the**  
 4 **injuries to the head which was not a good**  
 5 **sign, and then he feared that Mr. Seymour**  
 6 **was not going to make it.**  
 7 **Q** Now, in your supplemental  
 8 report, if you look at the first page of  
 9 that report in the second paragraph, you say  
 10 that the Dr. Roth stated the victim was  
 11 brought into the emergency room with a  
 12 depressed skull fracture in the back of the  
 13 head and a deep laceration of the throat  
 14 which he described as almost completely  
 15 around the victim's neck.  
 16 **A Yes.**  
 17 **Q** He also stated that brown  
 18 matter was coming from the head wound  
 19 indicative of a serious head injury which he  
 20 feared the victim would not be able to  
 21 survive?  
 22 **A Yes.**  
 23 **Q** And you note that Dr. Roth had  
 24 been a personal friend of the victim and  
 25 knew him for about 15 years. And then you  
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M. Carmody

say, the undersigned was unable to observe the victim's wounds due to the fact that they were completely bandaged?

**A Yes.**

**Q** Is that consistent with your recollection that you were not able to view yourself Seymour Tankleff's wounds?

**A Yes.**

**Q** You say, however, Dr. Roth stated that he felt the head injury was caused by a hammer-type injury because of the circular shaped depression of the skull?

**A Yes, sir.**

**Q** Now, if you go back to your notes, did your notes say anything reflecting anything about a hammer-type instrument?

**A No.**

**Q** As you sit here today, do you recall Dr. Roth using the phrase hammer-type?

**A Yes.**

**Q** Why would you not have reflected that in your notes?

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M. Carmody

MR. MITCHELL: I object to the form. You can answer.

**A I can't answer that. I don't know.**

**Q** But you have recollection today that Dr. Roth used verbatim the phrase "hammer-type"?

**A Yes.**

**Q** You said that you did not recall whether or not Detective Pfalzgraf was there for that conversation?

**A Correct.**

MR. POLLACK: Mark tis as Carmody 4.

(Whereupon, Plaintiff's Exhibit Carmody 4, was marked for identification.)

**Q** Okay. I'm going to ask you, Mr Carmody, is Carmody Exhibit 4 Detective Pfalzgraf's supplemental report of the events of September 7, 1988?

**A It looks like it.**

**Q** Did you, at any point during the course of your investigation, have the

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M. Carmody

opportunity to review Detective Pfalzgraf's supplemental report?

**A No, I did not.**

**Q** Did you discuss with him his preparation of this report?

**A No.**

**Q** So you both independently just created your own reports without getting input from the other?

**A To my best recollection, yes.**

**Q** Okay. I'll have you look at the third paragraph. It says, Dr. Robert Roth was attending to Mr. Tankleff in the emergency room. He stated that his throat was slashed almost completely around his neck. He also had severe depressed skull fracture to the back of the skull.

Does that refresh your recollection as to whether or not Detective Pfalzgraf was there for the conversation that you had with Dr. Roth?

**A No.**

**Q** Does it seem to be reflecting the same conversation?

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M. Carmody

MR. MITCHELL: I object to the form. You can answer.

**A It may have. Detective Pfalzgraf may have been there.**

**Q** When you heard Dr. Roth surmise that Seymour Tankleff was assaulted with a hammer-type instrument, was that a significant observation to you as a homicide detective?

MR. MITCHELL: Objection to form. You can answer.

**A Would you repeat that, please.**

**Q** Sure. When you heard Dr. Roth say that he believed that the assault was caused by a hammer-type instrument or the assaultant used a hammer-type instrument, was the fact that Dr. Roth made that statement of significance to you as a homicide detective?

MR. MITCHELL: Objection to form. You can answer.

**A Yes.**

**Q** Why was it significant to you?

**A I had handled a case prior to**

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M. Carmody

**that in Bay Shore where a husband had killed his wife with a hammer, very similar, and that's why it stuck in my mind. He said that it was because it was a circular depression that appeared to be like a hammer-type wound. He did not say it was a hammer, he just said it appeared to be that type of form or an instrument that was circular.**

**Q** Did you discuss with Detective Pfalzgraf the fact that you believe that Dr. Roth's statement about a hammer-type instrument was significant?

**A I may have but I don't recall. I don't have any recollection.**

MR. POLLACK: Let's go ahead and mark that Carmody 5.  
(Whereupon, Carmody Exhibit 5 was marked for identification.)

**Q** Mr Carmody, I'll give you another exhibit here. Do you recall being interviewed in 2008 by the State of New York Commission of Investigation --

**A Yes.**

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M. Carmody

**Q** -- with respect to the Tankleff case?

**A Yes, sir.**

**Q** And on the first page in the last paragraph about the middle of the paragraph it says, both Carmody and the doctor concluded that Tankleff had suffered blunt force trauma to his head caused by hammer-type object.

According to Carmody, he had previously investigated a Bay Shore case where a husband used a hammer to murder his wife and her injuries were identical to Tankleffs.

Now, you indicated earlier you were not able to see Seymour Tankleff's wounds.

**A Correct.**

**Q** How is it that you concluded that Seymour Tankleff's wounds were identical to the those of the victim in the Bay Shore case that you had previously investigated?

MR. MITCHELL: I object to the

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M. Carmody

form, the form of the question in that the phrase "identical" is in a memorandum from a gentleman named Kenneth Christopherson.

MR. POLLACK: I get the speaking objection.

**Q** Do you recall making this statement to the State Investigation Commission?

**A I would never say identical. I know that because --**

**Q** What do you believe you said?

**A Appeared to be like a hammer-type blow or something consistent to that, something round, circular. That's not my -- That would not be -- I would not say exactly. That might be this gentlemen's interpretation of what I relayed to him.**

**Q** So what you believe you relayed to him was that you concluded that Seymour Tankleff's wound was consistent with the victim?

**A They were similar.**

**Q** Similar to the victim in the

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M. Carmody

Bay Shore case?

**A Yes, because the one I had handled in Bay Shore was circular also.**

**Q** So my question is, how did you reach the conclusion that they were similar if you had not been able to see Seymour Tankleff's wounds?

**A I had seen the X-rays. The doctor showed me X-rays.**

**Q** When did that occur?

**A At that time, he had them on the screen and he showed me the injury, the X-ray injury. It looked similar to the one that I had seen years earlier.**

**Q** Looked similar to the X-ray you had seen earlier? Had you seen an X-ray in the Bay Shore case?

**A I believe I did.**

**Q** And so you looked at an X-ray that Dr. Roth showed you of Seymour and that X-ray looked to you similar to the X-ray you had seen in the Bay Shore case?

**A Yes.**

**Q** Your contemporaneous notes

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1 M. Carmody  
 2 reflect having seen an X-ray?  
 3 **A No.**  
 4 **Q** Does your supplemental report  
 5 reflect having seen an X-ray?  
 6 **A No, I don't think it does.**  
 7 **Q** If you were basing your  
 8 conclusion as to the similarity of the  
 9 injuries on your examination of the X-ray,  
 10 why do neither of your notes or the  
 11 supplemental report even reflect the fact  
 12 that you had seen an X-ray?  
 13 MR. MITCHELL: I object to the  
 14 form. You can answer.  
 15 **A I can't answer why I didn't put**  
 16 **a note.**  
 17 **Q** Did you inform Detective  
 18 Sergeant Doyle about the information that  
 19 you had learned from your conversation with  
 20 Dr. Roth?  
 21 **A I don't recall now speaking to**  
 22 **him but I'm sure I did. I'm sure I relayed**  
 23 **to him what I had talked to Dr. Roth about.**  
 24 MR. POLLACK: Mark this as  
 25 Carmody 6.  
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1 M. Carmody  
 2 (Whereupon, Plaintiff's  
 3 Exhibit, Carmody 6, was marked for  
 4 identification.)  
 5 **Q** Mr Carmody, this is simply an  
 6 excerpt from a deposition that was taken of  
 7 Detective Sergeant Doyle, and I'm going to  
 8 look starting with Page 268 in the upper  
 9 right-hand corner.  
 10 Detective Doyle is showing your  
 11 supplemental report and the question says,  
 12 if you look at the second paragraph it says,  
 13 "At 8:30 hours the undersigned entered the  
 14 hospital's emergency room and interviewed  
 15 Dr. Robert Roth and Dr. Roth stated that the  
 16 victim was brought into the emergency room  
 17 with a depressed skull fracture to the back  
 18 of the head and a deep laceration of the  
 19 throat which he describes as extending  
 20 almost completely around the victim's neck."  
 21 And then, the paragraph goes  
 22 onto say, it says, "Dr. Roth stated that he  
 23 felt that the head injury was caused by a  
 24 hammer-type instrument because of the  
 25 circular shape depression of the skull."  
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1 M. Carmody  
 2 Now, is that something that Dr.  
 3 Roth said to you, that Dr. Roth stated that  
 4 he felt the injury was caused by a  
 5 hammer-type instrument?  
 6 MR. MITCHELL: Objection to  
 7 form.  
 8 **A No, he did not say it was a**  
 9 **hammer-type instrument. He said it had the**  
 10 **appearance of a hammer-type blow because of**  
 11 **the circular depression of the skull.**  
 12 **Q** Okay.  
 13 **A He did not say it was a hammer.**  
 14 **Q** All right.  
 15 **A He just said it appeared to be**  
 16 **like a hammer-type injury.**  
 17 **Q** Okay. My question did not say  
 18 that he said it was a hammer.  
 19 **A Right, okay.**  
 20 **Q** My question was, you recall Dr.  
 21 Roth stating that -- Well, let me do it this  
 22 way.  
 23 Your supplemental report has  
 24 this sentence: "Dr. Roth stated he felt the  
 25 head injury was caused by a hammer-type  
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1 M. Carmody  
 2 instrument because of the circular shaped  
 3 depression of the skull."  
 4 Is that your recollection that  
 5 Dr. Roth indicated that he felt that the  
 6 head injury was caused by a hammer-type  
 7 instrument?  
 8 MR. MITCHELL: Objection to  
 9 form. You can answer.  
 10 **A If that's what my report said,**  
 11 **then that's more accurate than what I could**  
 12 **tell you today. That's what he felt.**  
 13 **Q** Had you already come to the  
 14 conclusion that you thought that the  
 15 injuries were consistent with a hammer-type  
 16 instrument before Dr. Roth voiced the same  
 17 thing?  
 18 **A Absolutely not.**  
 19 **Q** You came to that conclusion  
 20 after Dr. Roth said it?  
 21 **A I'm a little confused here.**  
 22 **Repeat that again.**  
 23 **Q** You, yourself, came to the  
 24 conclusion that you believe that the injury  
 25 was caused by a hammer-type instrument; is  
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1 M. Carmody  
2 that not correct?  
3 **A No. I said appearance of a**  
4 **hammer-type blow, but it did not have to be**  
5 **a hammer because it had the circular**  
6 **depression.**  
7 **Q** Okay. So help me out here.  
8 I'm a little confused. You, yourself, you  
9 came to the conclusion that the wound  
10 appeared to have been caused by a  
11 hammer-type instrument?  
12 **A Something similar.**  
13 **Q** Something similar to a  
14 hammer-type?  
15 **A Something that was round that**  
16 **hit him in the head, circular.**  
17 **Q** Okay. So you only came to the  
18 conclusion it was something round and  
19 circular. You did not come to the  
20 conclusion that it was a hammer-type  
21 instrument?  
22 **A That it possibly could be. It**  
23 **was very consistent with what I had seen**  
24 **earlier.**  
25 **Q** So you came to the conclusion  
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1 M. Carmody  
2 that it was very consistent with it being a  
3 hammer-type instrument?  
4 **A Sure.**  
5 **Q** And my question is, did you  
6 come to that conclusion before Dr. Roth gave  
7 you his conclusion?  
8 **A I don't recall.**  
9 **Q** Go back to Page 268 of the  
10 Doyle deposition when you spoke to either  
11 Detective Pfalzgraf or Carmody:  
12 "Q. Did they relay to you all  
13 the information that I just read  
14 from that report?  
15 A. Yes.  
16 Q. And when, to the best of  
17 your recollection, was that  
18 information relayed to you?  
19 A. Sometime early that  
20 morning.  
21 Q. When you say early, what do  
22 you mean by that?  
23 A. 9:00 - 9:30.  
24 Q. Do you recall around 9:00  
25 or 9:30 speaking with Detective  
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1 M. Carmody  
2 Sergeant Doyle?"  
3 **A This is on Page 269?**  
4 **Q** It starts at 268 and carries  
5 over to 269.  
6 **A I see that.**  
7 MR. MITCHELL: Your question  
8 is, obviously, does that portion of  
9 Detective Doyle's deposition refresh  
10 his recollection if he called at  
11 9:00 or 9:30 or you're just asking  
12 if he called at 9:00 or 9:30?  
13 **Q** My question is, do you recall  
14 speaking to Detective Sergeant Doyle that  
15 morning?  
16 MR. MITCHELL: I object to the  
17 form. You can answer.  
18 MR. POLLACK: What is  
19 objectionable about the form of the  
20 question, do you recall whether or  
21 not you spoke to Detective Doyle?  
22 MR. MITCHELL: That question  
23 itself combined with the question  
24 before.  
25 MR. POLLACK: It's not combined  
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1 M. Carmody  
2 with anything. The pending question  
3 is, do you recall speaking to  
4 Detective Sergeant Doyle that  
5 morning?  
6 MR. MITCHELL: So you're  
7 withdrawing the previous question?  
8 MR. POLLACK: That's the only  
9 pending question.  
10 MR. MITCHELL: I'm not trying  
11 to play games. I'm saying, are you  
12 withdrawing the previous question or  
13 is it a two-part question that was  
14 interrupted with my objection,  
15 because all I'm saying is if you  
16 were asking, does that portion of  
17 the deposition refresh his  
18 recollection, that, I don't object  
19 to. If you're asking him the  
20 pending question, then on that  
21 simple question, I don't object.  
22 MR. POLLACK: Great.  
23 MR. MITCHELL: I'm asking you  
24 to clarify for the record.  
25 MR. POLLACK: I asked a simple  
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1 M. Carmody  
 2 question to which Mr. Mitchell does  
 3 not object.  
 4 **Q** The question is, do you recall  
 5 speaking to Detective Sergeant Doyle that  
 6 morning?  
 7 **A No.**  
 8 **Q** Okay. You don't recall one way  
 9 or the other?  
 10 **A I probably did but I don't**  
 11 **recall now. And that does not refresh my**  
 12 **recollection.**  
 13 **Q** When you say you probably did,  
 14 what is that based on? That would have been  
 15 your practice?  
 16 **A Of course.**  
 17 **Q** And based on your practice,  
 18 would you have advised him of the  
 19 information that you learned from Dr. Roth?  
 20 **A Yes.**  
 21 **Q** Do you recall speaking to a  
 22 family member at the hospital, Ron Rother?  
 23 **A No, sir.**  
 24 **Q** Do you recall meeting a Ron  
 25 Rother at the hospital?  
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1 M. Carmody  
 2 **A No.**  
 3 **Q** Do you recall meeting any  
 4 members of the Tankleff family at the  
 5 hospital?  
 6 **A No.**  
 7 **Q** Were you and Detective  
 8 Pfalzgraf together at the hospital or did  
 9 you separate at some point and do separate  
 10 interviews?  
 11 **A I believe we separated.**  
 12 **Q** Did Detective Pfalzgraf report  
 13 to you that he had had a conversation with a  
 14 family member by the name of Ron Rother?  
 15 **A He may have but I don't recall.**  
 16 **Q** Do you recall Detective  
 17 Pfalzgraf telling you that Mr. Rother had  
 18 told him that Seymour Tankleff had reported  
 19 that Jerry Steuerman had threatened him five  
 20 or six weeks earlier?  
 21 MR. MITCHELL: I object to the  
 22 form. You can answer.  
 23 **A No, I don't recall that.**  
 24 **Q** Do you recall learning from any  
 25 source of information that Seymour Tankleff  
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1 M. Carmody  
 2 had said that Jerry Steuerman had threatened  
 3 him a few weeks prior to the attack?  
 4 **A No, sir.**  
 5 **Q** At any point in the  
 6 investigation, did you review Detective  
 7 Pfalzgraf's notes from his interviews at the  
 8 hospital?  
 9 **A I don't recall.**  
 10 **Q** Would that have been part of  
 11 your practice at the time?  
 12 **A No, not necessarily.**  
 13 **Q** What about reviewing your  
 14 partner's supplemental reports? Would that  
 15 have been part of your practice?  
 16 **A Not always, no.**  
 17 **Q** Okay. When you say "not  
 18 always," what would determine whether or not  
 19 you would review your partner's notes?  
 20 **A If it was a case that we**  
 21 **detectives are on together, I would be more**  
 22 **interested in his reports but, in this case,**  
 23 **we were assisting on another lead**  
 24 **detective's case so I wouldn't have that**  
 25 **much interest in that genre.**  
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1 M. Carmody  
 2 **Q** Would it have been your  
 3 practice if you did interviews for which  
 4 Detective Pfalzgraf was not present, would  
 5 it have been your practice to give him some  
 6 sort of summary of what you learned in those  
 7 interviews, whether or not it's in writing  
 8 or orally?  
 9 **A Could you rephrase that? I'm**  
 10 **sorry.**  
 11 **Q** Sure. In a case in which you  
 12 were not lead detective?  
 13 **A Yes.**  
 14 **Q** And you were working with  
 15 Detective Pfalzgraf, if you did an interview  
 16 for which he was not present, after the  
 17 interview would you tell him what you  
 18 learned in the interview?  
 19 **A I really can't answer that**  
 20 **because it would depend on circumstances.**  
 21 **Q** You don't recall one way or the  
 22 area whether you and Detective Pfalzgraf  
 23 shared the information that you had learned  
 24 from various people at the hospital with  
 25 each other?  
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1 M. Carmody  
2 **A We may have a little bit but I**  
3 **don't recall.**  
4 MR. MITCHELL: Do me a favor,  
5 as Mr. Pollack just said, clarify it  
6 when you do those answers one way or  
7 the other or I don't recall, one way  
8 or the other, just so it's clear.  
9 **A I don't recall one way or the**  
10 **other.**  
11 **Q** Did you learn from any source  
12 that Mr. Rother had stated that he believed  
13 that Jerry Steuerman was involved in the  
14 attack on the Tankleffs?  
15 MR. MITCHELL: I object to the  
16 form.  
17 **A No.**  
18 **Q** Do you recall learning from any  
19 source that any family member or anyone else  
20 had expressed the view that Jerry Steuerman  
21 might have been involved in the attacks?  
22 **A Not that I recall.**  
23 **Q** And so I take it then you don't  
24 recall telling Detective Sergeant Doyle that  
25 you had learned at the hospital that someone  
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1 M. Carmody  
2 believed that Steuerman might be involved?  
3 **A I don't recall ever saying**  
4 **that.**  
5 **Q** Look at the Doyle deposition  
6 transcript and I'm going to start at Page  
7 320 at the very bottom, the upper right-hand  
8 corner.  
9 **A Okay.**  
10 **Q** "Q. And did Carmody or  
11 Pfalzgraf also then tell you that  
12 Ronald Rother had been spoken to at  
13 the hospital?  
14 A. Yes, I believe so.  
15 Q. And that Ronald Rother had  
16 told Carmody and Pfalzgraf that  
17 Steuerman was reneging on debt and  
18 that the business was turning bad.  
19 He may have said something in that  
20 vain, and so that would be the third  
21 person who had suggested that  
22 Steuerman might have had some  
23 involvement in this?  
24 A. Correct."  
25 My question is simply whether reviewing that  
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1 M. Carmody  
2 testimony refreshes your recollection on  
3 whether or not you relayed to Detective  
4 Sergeant Doyle information that had come  
5 from Ronald Rother?  
6 **A No, it doesn't.**  
7 MR. POLLACK: I'm going to mark  
8 this as Carmody 7.  
9 (Whereupon, Plaintiff's  
10 Exhibit, Carmody 7, was marked for  
11 identification.)  
12 **Q** My first question, Mr Carmody,  
13 again, take as much time as you need,  
14 simply, do you recognize these as being  
15 notes that you took or a copy of notes that  
16 you took?  
17 **A These are my handwriting. I**  
18 **don't even recall these. They are my notes.**  
19 **Q** Putting aside what you  
20 presently remember, you recognize those as  
21 being your notes?  
22 **A It's my handwriting, yes.**  
23 **Q** Can you tell from looking at  
24 the notes when these notes were taken?  
25 **A No, I don't have a date on it.**  
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1 M. Carmody  
2 **There is no date on here. One says 9/19/88.**  
3 **Q** What page is that?  
4 **A Page 2823. September 19, 1988.**  
5 MR. MITCHELL: Just for  
6 clarification, it actually says  
7 9/19/88.  
8 **Q** Mr Carmody, would it be your  
9 practice to have a notebook that you would  
10 use for a particular investigation?  
11 **A Yes --**  
12 **Q** So --  
13 **A -- it would.**  
14 **Q** So events that occurred in that  
15 particular investigation you would take  
16 notes in one place? In other words, you  
17 would have one notebook for the Tankleff  
18 investigation and a different notebook for  
19 any other investigations that you had  
20 ongoing at the same time?  
21 **A Yes, that would be true.**  
22 **Q** These notes appear to pertain  
23 to the Tankleff investigation?  
24 **A Yes, they do.**  
25 **Q** Would you understand them to be  
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1 M. Carmody  
2 in the sequence in which they were taken?  
3 **A What was that? Could you**  
4 **repeat that?**  
5 **Q** Are they in the order in which  
6 they were taken? In other words, the first  
7 page of these notes would have been taken  
8 before the 10th page of these notes and the  
9 10th page of these notes would have been  
10 taken before the last page of these notes?  
11 **A I can't say by looking at this.**  
12 **I really can't, sorry.**  
13 **Q** Okay. However, one of the  
14 notes indicates specifically that it was  
15 taken on September 18, 1988?  
16 **A Yes. I believe 19th.**  
17 **Q** Okay, thank you.  
18 Let me have you turn to Page  
19 2844 at the bottom.  
20 **A Okay.**  
21 **Q** My question is, can you tell  
22 from either the pages before or the pages  
23 after it when the page that appears at 2844,  
24 when those notes were taken?  
25 **A No, sir.**

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1 M. Carmody  
2 **Q** At the bottom of 2844, can you  
3 read to me those last three lines.  
4 **A "From John. Bad blood between**  
5 **Steuerman and Seymour."**  
6 **Q** And would "John" be John  
7 Pfalzgraf?  
8 **A Yes.**  
9 **Q** Would Steuerman be Jerry  
10 Steuerman?  
11 **A Yes.**  
12 **Q** And Seymour would be Seymour  
13 Tankleff?  
14 **A Yes.**  
15 **Q** Does this refresh your  
16 recollection as to whether or not at some  
17 point you learned from Detective  
18 Pfalzgraf -- Well, let me do it this way.  
19 Do you recall learning from  
20 Detective Pfalzgraf, at some point, that he  
21 had learned that there was bad blood between  
22 Jerry Steuerman and Seymour Tankleff?  
23 **A No.**  
24 **Q** Does this note indicate to you  
25 that you did learn that fact at some point

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1 M. Carmody  
2 from John Pfalzgraf?  
3 **A Yes.**  
4 **Q** You just don't recall?  
5 **A Correct.**  
6 **Q** Do you recall having  
7 discussions with anybody working on the  
8 Tankleff investigation about whether or not  
9 there was bad blood between Jerry Steuerman  
10 and Seymour Tankleff?  
11 **A No.**  
12 **Q** If you move forward a few pages  
13 to 2847, could you read to me the last line  
14 of that page?  
15 **A Steuerman and Monti -- looks**  
16 **like Fusco, F-U-S-C-O, last to leave.**  
17 **Q** Do you know what that is a  
18 reference to?  
19 **A I believe they were the last to**  
20 **leave the house.**  
21 **Q** Who did you learn that  
22 information from?  
23 **A According to my notes, from**  
24 **J.P., which would be John Pfalzgraf.**  
25 **Q** Do you recall discussing with

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1 M. Carmody  
2 John Pfalzgraf the fact that Jerry Steuerman  
3 was at the house into the early morning  
4 hours -- at the Tankleff house -- into the  
5 early morning hours of September 7, 1988?  
6 **A No, no independent recollection**  
7 **now.**  
8 **Q** Do you recall discussing that  
9 fact with anyone or learning that fact from  
10 anyone?  
11 **A Again, I may have but I don't**  
12 **recall.**  
13 **Q** Do you recall taking any steps  
14 in your investigation based on an  
15 understanding that there was bad blood  
16 between Steuerman and Tankleff and that  
17 Steuerman was at the house in the early  
18 morning hours that day?  
19 MR. MITCHELL: I object to the  
20 form. You can answer.  
21 **A No.**  
22 **Q** Do you recall a gentleman by  
23 the name of Myron Fox being at Mather  
24 Hospital that morning?  
25 **A No, sir.**

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1 M. Carmody  
2 Q Do you recall speaking to  
3 anyone who was a lawyer that had represented  
4 Seymour Tankleff in various business deals?  
5 A No, sir.  
6 Q Do you recall Detective  
7 Pfalzgraf telling you that he had spoken to  
8 a lawyer for the Tankleff family at the  
9 hospital?  
10 A No, sir, I don't recall that.  
11 Q Or a lawyer that had  
12 represented Seymour in various business  
13 deals?  
14 A No.  
15 Q Do you recall learning at any  
16 point that Mr. Fox had said that Jerry  
17 Steuerman was supposed to make a substantial  
18 payment to Seymour Tankleff in the near  
19 future?  
20 A No, sir.  
21 Q Do you recall Mr. Fox offering  
22 to provide paperwork related to that debt?  
23 A No.  
24 Q Do you recall informing  
25 Detective Sergeant Doyle that morning that  
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1 M. Carmody  
2 Mr. Fox believed that Mr. Steuerman was  
3 involved in the Tankleff attacks?  
4 A No.  
5 Q Go ahead and look at Doyle's  
6 deposition transcript starting at Page 319.  
7 A Okay.  
8 Q Starting in the middle of the  
9 page:  
10 "Q. Do you recall getting a  
11 report from the hospital that we  
12 talked about this morning either  
13 from Carmody or Pfalzgraf?  
14 A. Yes.  
15 Q. Did whoever gave you that  
16 report tell you that they  
17 interviewed Myron Fox at the  
18 hospital?  
19 A. Yes, I believe they did.  
20 Q. Did they tell you that  
21 Myron Fox had told them that Jerry  
22 Steuerman owed Tankleff money, Mr.  
23 Seymour Tankleff?  
24 A. Yes.  
25 Q. And it was coming to him  
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1 M. Carmody  
2 shortly?  
3 A. I believe that's true.  
4 Q. And that based on that, Mr.  
5 Fox believed that Mr. Steuerman  
6 might have a motive to commit  
7 murders?  
8 A. I don't know specifically if  
9 he said that, that he had a motive  
10 to commit murders.  
11 Q. Did he convey to Pfalzgraf  
12 or Carmody, to your understanding,  
13 that he believed that Steuerman  
14 might have been involved?  
15 A. To my understanding in so  
16 many words, yes."  
17 Does that refresh your  
18 recollection as to whether or not you  
19 informed Detective Sergeant Doyle that you  
20 had learned from Myron Fox that Steuerman  
21 might have been involved in the Tankleff  
22 murders?  
23 A No.  
24 Q Again, just to be clear, you  
25 don't recall one way or the other?  
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1 M. Carmody  
2 A One way or the other what?  
3 Q In other words, you may have  
4 relayed that information to Detective Doyle  
5 and you just don't recall?  
6 A I don't ever remember relaying  
7 anything to Detective Sergeant Doyle about  
8 this subject matter.  
9 Q I want to make sure I  
10 understand that. Are you saying that you  
11 didn't or simply that you don't recall it?  
12 A I have to say I don't recall.  
13 I probably didn't because I don't recall at  
14 all.  
15 Q Okay.  
16 A It does not even at all ring a  
17 bell to me.  
18 Q Do you recall knowing that  
19 information, forgetting for a moment whether  
20 or not you relayed it to Detective Doyle?  
21 A No.  
22 Q You don't recall that at all?  
23 A No, I don't.  
24 Q Is it something that you think  
25 you would recall had you known it?  
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1 M. Carmody  
2 MR. MITCHELL: I object to the  
3 form. You can answer.  
4 **A I might have. I don't recall.**  
5 **Q** Okay. You do not recall at any  
6 point learning that Myron Fox had indicated  
7 his view that Steuerman might be involved in  
8 the Tankleff murders?  
9 **A No.**  
10 **Q** And you don't recall at any  
11 point learning that Ronald Rother had  
12 indicated in his view that Steuerman might  
13 be involved in the Tankleff murders?  
14 **A No, I don't recall it.**  
15 **Q** At some point that morning, did  
16 you speak with Detective McCready?  
17 **A What morning, sir?**  
18 **Q** I'm sorry, the morning of  
19 September 7, 1988 from Mather Hospital?  
20 **A I don't recall speaking to him.**  
21 **Q** Do you know whether or not  
22 Detective Pfalzgraf spoke with McCready from  
23 the hospital?  
24 **A No, I don't. I do not.**  
25 **Q** Did Detective Pfalzgraf relay

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1 M. Carmody  
2 to you that Detective McCready viewed Martin  
3 Tankleff as being a person of interest in  
4 the investigation or words to that effect?  
5 MR. MITCHELL: I object to the  
6 form. You can answer.  
7 **A Not that I recall, sir.**  
8 **Q** Do you recall Detective  
9 Pfalzgraf telling you that Martin Tankleff  
10 was a person of interest or words to that  
11 effect?  
12 **A He may have but I don't recall.**  
13 **Q** Do you recall learning that  
14 from any source while you were at Mather  
15 Hospital?  
16 **A No.**  
17 **Q** Did you tell anyone that Martin  
18 Tankleff was a person of interest or words  
19 to that effect?  
20 **A No.**  
21 MR. POLLACK: Why don't we take  
22 just a brief break.  
23 (At this time, a brief recess  
24 was taken. Time noted: 10:28.)  
25 **Q** Mr. Carmody, what did you do

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1 M. Carmody  
2 after you finished at Mather Hospital on  
3 September 7th?  
4 **A We went to the house, the**  
5 **Tankleff house.**  
6 **Q** And what did you do at the  
7 Tankleff house?  
8 **A John and I assisted in any way**  
9 **we could. Crime Scene was there and they**  
10 **were doing all kinds of things, collecting**  
11 **evidence, taking photos.**  
12 **Q** Did you enter the house?  
13 **A Yes, sir.**  
14 **Q** Did you have the opportunity to  
15 observe Arlene Tankleff's body?  
16 **A Yes.**  
17 **Q** And how much time did you spend  
18 with Arlene Tankleff's body?  
19 **A I don't recall.**  
20 **Q** Go to your interview, the  
21 report of your interview with the State of  
22 New York Commission of Investigation.  
23 **A Okay.**  
24 **Q** On the second page, the second  
25 full paragraph it says, "according to

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1 M. Carmody  
2 Carmody, although he did not examine  
3 Seymour's body wounds, Arlene's injuries  
4 consisted of long and narrow deep slashes  
5 that he believes were caused by a razor-type  
6 knife."  
7 Do you recall saying that or  
8 words to that effect to the Investigation  
9 Commission?  
10 **A I might have said that, yes.**  
11 **Q** Was that based on your  
12 examination of Arlene Tankleff's body at the  
13 scene of the examination you just described?  
14 **A Yes.**  
15 **Q** Based on that examination, did  
16 you conclude that you believe that cuts were  
17 caused by a razor-type knife?  
18 **A I believe they were something**  
19 **very sharp.**  
20 **Q** Do you recall discussing that  
21 conclusion with anybody else?  
22 **A I may have discussed it with**  
23 **John Pfalzgraf.**  
24 **Q** Anyone else?  
25 **A I may or may not have. I don't**

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1 M. Carmody  
2 **recall.**  
3 **Q** Specifically, do you recall  
4 whether you discussed that conclusion with  
5 Detective Sergeant Doyle?  
6 **A I don't recall that, sir.**  
7 **Q** Okay. In that same paragraph  
8 it says, "Carmody surmised that the murders  
9 occurred long before being reported to the  
10 police because the blood on Seymour's chair  
11 was dry and had already coagulated and did  
12 not appear to be fresh."  
13 Do you recall examining  
14 Seymour's chair?  
15 **A Yes. I remember being in the**  
16 **room and seeing the chair.**  
17 **Q** And do you remember seeing dry  
18 coagulated blood?  
19 **A Yes.**  
20 **Q** And that is consistent with  
21 what you learned from Ethel Curley at Mather  
22 Hospital that there was dry blood on both of  
23 them?  
24 MR. MITCHELL: I object to the  
25 form. You can answer.  
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1 M. Carmody  
2 **A Yes.**  
3 **Q** Did you discuss your conclusion  
4 from that, that the attacks occurred long  
5 before being reported to the police with  
6 anyone else?  
7 **A Could you repeat that?**  
8 **Q** Sure. Did you discuss your  
9 conclusion that the attacks had occurred  
10 long before being reported to the police  
11 with anyone else?  
12 **A I may or may not have, but I**  
13 **don't recall. It was too long ago.**  
14 **Q** Okay. Did you consider your  
15 conclusion that the wounds, the cuts on  
16 Arlene Tankleff was caused by a razor-type  
17 knife, did you consider that to be a  
18 significance to the investigation?  
19 MR. MITCHELL: I object to the  
20 form. You can answer.  
21 **A In my mind, it appeared that it**  
22 **was something like that. I mean I could not**  
23 **say conclusively that it was, but it**  
24 **appeared to be a very sharp type of a knife.**  
25 **Q** And you had been a homicide  
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1 M. Carmody  
2 detective for 20 years?  
3 **A No, not for 20 years.**  
4 **Q** I'm sorry, how long had you  
5 been a homicide detective?  
6 **A At that time? About five years**  
7 **because I went into Homicide, I believe, in**  
8 **around 1983.**  
9 **Q** You had a fair amount of  
10 experience in examining wounds, yes?  
11 **A Not too much prior to Homicide.**  
12 **You know, I had seen murder scenes but never**  
13 **in that detail.**  
14 **Q** Okay. But at this point you  
15 had five years of experience as a homicide  
16 detective?  
17 **A Yes.**  
18 **Q** You had examined wounds in any  
19 number of homicide cases?  
20 **A Yes, I had.**  
21 **Q** Based on these wounds, you drew  
22 the conclusion about the characteristics of  
23 a likely murder weapon, correct?  
24 **A In my own mind, yes.**  
25 **Q** And was that conclusion of some  
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1 M. Carmody  
2 significance to you in the investigation of  
3 this case?  
4 MR. MITCHELL: I object to the  
5 form. You can answer.  
6 **A Not to me personally, no.**  
7 **Q** You didn't think it was  
8 important that based on the wounds you  
9 thought it was a razor-type knife?  
10 MR. MITCHELL: I object to the  
11 form. You can answer.  
12 **A I believe that was the**  
13 **conclusion of most of the detectives that**  
14 **were there, that it was something sharp.**  
15 **Q** What makes you believe that  
16 most of the detectives there believed that  
17 it was something sharp like a razor-type  
18 knife?  
19 **A Because the wounds were very**  
20 **clear and defined. They were not jagged or**  
21 **anything. It was long slits.**  
22 **Q** I understand that that was your  
23 conclusion based on your observation, but a  
24 moment ago you said you believe that that  
25 was the conclusion of all of the detectives  
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1 M. Carmody  
2 that were there.  
3 My question is, what makes you  
4 believe that the other detectives made the  
5 same observation and reached the same  
6 conclusions?  
7 **A Well, I have to correct myself**  
8 **if I said all. It may have been -- I know**  
9 **John and I both felt that it was done by a**  
10 **very sharp object, and we even mentioned to**  
11 **each other about possibly a box cutter or**  
12 **something to that effect.**  
13 **Q** So you do recall discussing it  
14 with Detective Pfalzgraf?  
15 **A Vaguely, yes.**  
16 **Q** And you recall specifically  
17 discussing with Detective Pfalzgraf it might  
18 have been a box cutter?  
19 **A I mentioned that, yes.**  
20 **Q** And did he express any  
21 disagreement with that or any agreement with  
22 that?  
23 **A Not that I recall.**  
24 **Q** What about your conclusion that  
25 the attacks occurred long before being

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1 M. Carmody  
2 reported to the police? Was that a  
3 conclusion that you attached some  
4 significance to in the course of this  
5 investigation?  
6 MR. MITCHELL: I object to the  
7 form. You can answer.  
8 **A I think it is significant to**  
9 **the case, yes.**  
10 **Q** And was it your practice when  
11 you learned information that you believed  
12 significant to the case to relay that to  
13 other detectives working the case?  
14 **A In some cases it would be. I**  
15 **don't recall whether I did or did not on**  
16 **this case.**  
17 **Q** I understand that you don't  
18 recall whether you did or did not in this  
19 case, my question is based on your general  
20 practice.  
21 Is that something you believe  
22 you would have conveyed to someone else on  
23 the scene?  
24 MR. MITCHELL: I object to the  
25 form. You can answer.

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1 M. Carmody  
2 **A Most likely I would.**  
3 **Q** Approximately how long did you  
4 spend at the crime scene on September 7th?  
5 **A Probably there most of the day.**  
6 **The whole day.**  
7 **Q** Where did you go after you  
8 concluded your work at the crime scene?  
9 **A I don't recall. I don't**  
10 **remember if at the end of the day we left**  
11 **and went back home and then came back the**  
12 **next day. I know we spent a considerable**  
13 **amount of time there.**  
14 **Q** Do you recall at any point on  
15 September 7th learning that Detective  
16 McCready and Detective Rein had reported  
17 that Martin Tankleff had made admissions to  
18 them about his involvement in the murders?  
19 **A At this time, today, I don't**  
20 **recall but I'm sure I did. Or more than**  
21 **likely did.**  
22 **Q** Do you recall later in that day  
23 being present when Mr. Martin Tankleff had a  
24 conversation with Shari Rother?  
25 **A Could you repeat that, sir.**

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1 M. Carmody  
2 **Q** Sure. Do you recall going back  
3 to police headquarters at some point that  
4 day?  
5 **A No, I don't.**  
6 **Q** Do you recall being present  
7 when Mr. Martin Tankleff had a conversation  
8 with his half sister or stepsister, Shari  
9 Rother, a telephone conversation?  
10 **A No.**  
11 **Q** You don't recall anything about  
12 such a conversation?  
13 **A Could you clarify that?**  
14 **Conversation concerning what?**  
15 **Q** Sure. After Mr. Tankleff's  
16 interview or interrogation with Detectives  
17 Rein and McCready were concluded, at some  
18 point he had a telephone call with Shari  
19 Rother, his stepsister or half sister of  
20 his, do you recall being present when that  
21 phone call took place?  
22 **A No, sir.**  
23 **Q** Do you recall learning anything  
24 about that phone call?  
25 **A I don't recall whether I did or**

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1 M. Carmody  
2 **didn't.**  
3 **Q** At some point, did you learn  
4 that Jerry Steuerman was missing?  
5 **A Yes, I remember at some point**  
6 **in the investigation they were looking for**  
7 **him.**  
8 **Q** Do you recall, at any point,  
9 meeting with Myron Fox, an attorney in his  
10 office?  
11 **A No, sir. I don't recall that.**  
12 **Q** Do you recall learning that  
13 Detective McCready and Detective Rein stated  
14 that Martin Tankleff had said that he had  
15 used a knife that was on the kitchen counter  
16 as the sharp instrument in the attacks?  
17 **A I may have but I don't recall**  
18 **independently here now.**  
19 **Q** At any point, did you examine  
20 that knife?  
21 **A I don't recall examining any**  
22 **knife at all.**  
23 **Q** You were at the crime scene on  
24 September 7th, we already discussed that?  
25 **A Yes.**

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1 M. Carmody  
2 **Q** You came back on September 8th?  
3 **A I believe I did. I'm not even**  
4 **sure of that.**  
5 **Q** Okay. Mr Carmody, I'm going to  
6 read to you an excerpt from a supplemental  
7 report written by Detective James Barnes and  
8 it says, "at 8:35 hours on September 8,  
9 1988, the undersigned returned to the scene  
10 at 33 Seaside Drive to continue with the  
11 investigation. The undersigned was joined  
12 by Detective Schaefer from Identification,  
13 Police Officer Mongan from Identification,  
14 Detective Sergeant Robert Doyle, Detectives  
15 Pfalzgraf and Carmody from the Homicide  
16 Squad, Detective Charles Kosciuk from the  
17 laboratory also returned with Robert Bauman  
18 from the Crime Lab and the scene was  
19 examined again for any other trace evidence  
20 relating to this crime.  
21 He then describes a search of  
22 the scene conducted with a metal detector  
23 and people repelling down the cliffs.  
24 Does that refresh your  
25 recollection as to whether you were there on

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1 M. Carmody  
2 September 8th?  
3 **A Very vaguely. It was 26 years**  
4 **ago.**  
5 **Q** On September 8th, did you  
6 believe that the murder weapons had been  
7 recovered already?  
8 **A I don't recall.**  
9 **Q** Do you recall that a knife was  
10 taken from the garage as evidence on  
11 September 8th?  
12 **A No, sir, I don't.**  
13 **Q** Do you recall that Ethel  
14 Curley, the emergency person, reported had  
15 that she had found a Swiss Army knife at the  
16 scene?  
17 **A I don't recall that.**  
18 **Q** Do you recall that one of the  
19 things that the emergency services section  
20 was looking for when it was repelling down  
21 the bluffs were something that might  
22 potentially be the murder weapon?  
23 **A Not really, sir.**  
24 **Q** Do you recall that a potential  
25 murder weapon was one of the things they

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1 M. Carmody  
2 were looking for with metal detectors?  
3 **A I believe it might have been.**  
4 **Q** Go to your notes that start  
5 with the number 2830 at the bottom. If you  
6 go to the very last page it says at the top,  
7 the very last page of that at the top,  
8 "Friday, FRI, 9/9/88. At lab. Met with Dr.  
9 Adams regarding the knife wound."  
10 **A Apparently so.**  
11 **Q** You don't recall one way or the  
12 other having a meeting in the lab with a Dr.  
13 Adams on the 9th?  
14 **A I really don't.**  
15 **Q** Your next statement says,  
16 "clear knife issue." Do you recall what was  
17 the clear knife issue?  
18 **A No, sir, I don't know what I**  
19 **meant there.**  
20 **Q** And then there's two drawings  
21 of two different shapes. Are those knife  
22 shapes?  
23 **A They appear to be.**  
24 **Q** Was there a concern that the  
25 wounds upon examination by Dr. Adams,

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1 M. Carmody  
2 medical examiner's office, did not match the  
3 purported murder weapon that was referenced  
4 in the statements taken by McCready and  
5 Rein?  
6 MR. MITCHELL: I object to  
7 form.  
8 **A Sir, I don't know what it**  
9 **means. I could not say one way or the other**  
10 **what it meant. I don't even remember why I**  
11 **even drew those shapes.**  
12 **Q** Do you recall Detective  
13 Pfalzgraf, at any point, expressing to you  
14 his view that the knife that Martin Tankleff  
15 told McCready and Rein he had used was  
16 inconsistent with the wounds?  
17 **A I don't recall ever having that**  
18 **type of conversation.**  
19 **Q** Did you ever come to a  
20 conclusion one way or the other whether the  
21 knife referenced in Martin Tankleff's  
22 statements to Rein and McCready was, in  
23 fact, the murder weapon?  
24 **A No, I don't recall.**  
25 **Q** Do you recall discussing that  
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1 M. Carmody  
2 with anyone?  
3 **A No, I don't.**  
4 **Q** Do you recall at some point in  
5 the investigation being present for an  
6 interview of three girls, a pair of sisters,  
7 Audra Goldschmidt and her sister, and then a  
8 third girl named Daniella McCreedies.  
9 **A No, sir, I don't.**  
10 **Q** These were three girls that  
11 Martin Tankleff had a conversation with  
12 about buying a new car or something to that  
13 effect.  
14 **A No, sir, I don't recall that at**  
15 **all.**  
16 **Q** Do you recall being present  
17 when any potential witnesses in the case  
18 were interviewed other than the interviews  
19 that you participated at Mather Hospital on  
20 September 7th?  
21 **A No.**  
22 **Q** Do you recall crime scene  
23 photos being shown to any witnesses?  
24 **A No, sir, I don't.**  
25 **Q** Go ahead and look at your  
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1 M. Carmody  
2 interview with the State Commission of  
3 Investigation.  
4 **A Okay.**  
5 **Q** On the last page, Page 3, in  
6 that first paragraph, halfway through the  
7 paragraph, you say -- well, the report  
8 reflects that you said that after Tankleff  
9 verbally admitted to murdering his parents,  
10 he agreed to have his confession videotaped;  
11 however, the police were precluded from  
12 completing the written statement once they  
13 were put on notice by Myron Fox, the  
14 Tankleffs family attorney, to cease any  
15 further questioning of Martin Tankleff.  
16 Consequently, detectives were precluded from  
17 confronting Tankleff on a number of issues;  
18 i.e., the type and location of the weapons  
19 used.  
20 Do you recall learning at some  
21 point that at some point during the McCready  
22 and Rein's interrogation of Martin Tankleff  
23 they were put on notice to cease any further  
24 questioning?  
25 MR. MITCHELL: I object to the  
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1 M. Carmody  
2 form. You can answer.  
3 **A Could you reclarify that for**  
4 **me? I'm sorry because I was reading this.**  
5 **Q** No problem. Did you learn at  
6 some point that during the interrogation of  
7 Martin Tankleff by Detectives Rein and  
8 McCready, that at some point an attorney put  
9 them on notice that they needed to cease  
10 that interrogation?  
11 **A I apparently did, yes. I knew**  
12 **that they were put on notice.**  
13 **Q** And is it your view that as a  
14 result the detectives were precluded from  
15 learning additional information about the  
16 type and location of the weapons used?  
17 MR. MITCHELL: I object to the  
18 form. You can answer.  
19 **A I don't recall to be honest**  
20 **with you. I know that once an attorney gets**  
21 **involved they had to stop. They could not**  
22 **go any further. The next step would have**  
23 **been a signed confession.**  
24 **Q** Right. But you do recall  
25 giving an interview to the State Commission  
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1 M. Carmody  
2 of Investigation in 2008?  
3 **A I remember speaking to them,**  
4 **yes.**  
5 **Q** Do you recall whether you  
6 expressed a view to them that because the  
7 detectives interrogating Mr. Tankleff were  
8 put on notice this precluded further  
9 inquiries about the weapons?  
10 **A That, I don't recall. I don't**  
11 **know what my motivation for saying that was.**  
12 **Q** Okay. Did you have questions  
13 as to whether the weapons that were  
14 indicated in the account that McCready and  
15 Rein took from Martin Tankleff really were  
16 the murder weapons?  
17 MR. MITCHELL: I object to the  
18 form. You can answer.  
19 **A Can you reclarify?**  
20 **Q** Sure. You understood, did you  
21 not, that in the interrogation of Martin  
22 Tankleff, McCready and Rein identified a  
23 particular knife as being the knife that was  
24 used?  
25 **A I believe so, yes.**

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1 M. Carmody  
2 **Q** And did you have questions as  
3 to whether or not that really was the knife  
4 that was used?  
5 **A No, not that I recall.**  
6 **Q** Why would Rein and McCready had  
7 needed more information about the type and  
8 location of the weapons used if the knife  
9 that they had learned about really was the  
10 murder weapon?  
11 MR. MITCHELL: I object to the  
12 form. You can answer.  
13 **A I really don't recall.**  
14 **Q** You can go back to your notes  
15 that start with page 2830.  
16 **A I'd just like to clarify**  
17 **something because this is the first time I'm**  
18 **seeing this. I don't ever recall telling**  
19 **them anything about the type and location of**  
20 **the weapons used. I remember speaking to**  
21 **them and telling them they were precluded to**  
22 **go any further because they were put on**  
23 **notice, but I never recall talking to them**  
24 **about the weapons.**  
25 **Q** You don't recall saying that

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1 M. Carmody  
2 that was something that you wish you could  
3 have gotten more information about from the  
4 Defendant?  
5 **A I don't know why that man wrote**  
6 **this or whoever wrote this report because**  
7 **that's something I would not really say.**  
8 **Q** So you don't believe you said  
9 it and you have no idea why he would have  
10 put that in the report?  
11 **A I have no idea. That part of**  
12 **it, no.**  
13 **Q** Okay. Go ahead and go to your  
14 notes that begin with 2830 at the bottom.  
15 **A Okay.**  
16 **Q** Towards the middle of that page  
17 it says, "bed sheets bloody. Handprint or  
18 footprint."  
19 Did I read that correctly?  
20 **A Yes.**  
21 **Q** What was the source of that  
22 information?  
23 **A I really don't recall. I think**  
24 **it had something to do with the bed sheet on**  
25 **the mother's bed. I don't recall now.**

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1 M. Carmody  
2 **Q** Do you recall who you would  
3 have learned that information from? Did  
4 you, yourself, ever examine the bed sheets?  
5 **A Not that I recall, sir. I was**  
6 **there and I was looking at them, but I don't**  
7 **recall. I vaguely remember something about**  
8 **a discussion about a handprint and/or a**  
9 **footprint. That's about it.**  
10 **Q** Okay. Well, let me ask first.  
11 Did you, yourself, see the bed sheets in the  
12 master bedroom when you did your examination  
13 of the crime scene on September 7th?  
14 **A Yes, I saw them. They were**  
15 **there, yes.**  
16 **Q** And do you recall whether you  
17 noticed that there was a bloody handprint or  
18 footprint?  
19 **A I very well may but I don't**  
20 **recall now.**  
21 **Q** And you have some recollection  
22 of some discussion about that?  
23 **A Not really. Just based on**  
24 **these notes that there was some discussion**  
25 **about a print, a footprint or handprint.**

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M. Carmody

M. Carmody

**It's very vague.**

**Q** So I guess that's my question.

From looking at these notes, do you think they are reflecting your own observation or do you think they are reflecting some conversation that you had with somebody?

**A** **It could have been either or.**

**I really don't know. I don't remember.**

**Q** Okay. You said a second ago that looking at these notes suggests to you there was a conversation about it?

**A** **I don't recall saying there was a conversation. I don't recall saying that.**

**Q** Okay. You don't know one way or the other from looking at these notes whether this is reflecting a conversation or reflecting your own personal observation?

**A** **That's correct.**

**Q** But one way or another, whether from your own personal observation or from somewhere else, you did learn that there was a bloody handprint or footprint on the bed sheets?

MR. MITCHELL: I object to the

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Investigation Commission.

**A** **Okay.**

**Q** The last paragraph on the last page, Page 3, it says, beginning with the second sentence, Carmody strongly believes that an investigation should be commenced into the actions of the Appeals judges in this case. Carmody said -- and then it has in quotations "for them to have handed down such a ridiculous decision, someone had gotten to them."

Let me ask you, first of all, in your interview in July of 2008, did you, in fact, make statements to that effect?

**A** **I don't recall making a statement to that effect.**

**Q** Do you believe you did?

**A** **I would never use the word "scoundrels."**

**Q** And "scoundrels" appears in this report in quotations?

**A** **It does and that's a word I would never use, that I know.**

**Q** Okay.

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M. Carmody

M. Carmody

form. You can answer.

**A** **It appears that way based on my notes.**

**Q** Do you remember discussing that fact with anybody?

**A** **No, sir, I don't.**

**Q** Was that fact of any significance to you in your investigation of the crime?

MR. MITCHELL: I object to the form. You can answer.

**A** **Again, I don't know what I was thinking then or what I would have thought.**

**Q** Did you undertake any follow-up investigation of the bloody handprint or footprint?

MR. MITCHELL: I object to the form. You can answer.

**A** **Not that I recall, sir.**

**Q** Do you know if any follow-up investigation was done?

**A** **No, I don't.**

**Q** If you can go back to the report of your interview with the State

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**A** **I find this preposterous. I don't ever recall saying anything like that to them.**

**Q** You find this account of what you said preposterous?

**A** **This paragraph?**

**Q** Yes.

**A** **I find it very preposterous.**

**Q** Because you don't believe that you made the statement that is in quotation marks there?

**A** **That's correct.**

**Q** Or any statement to that effect?

**A** **I would not say that.**

**Q** And you have no idea why the author of this report would have put that in there?

**A** **I really don't. This is the first time I've ever seen this report.**

**Q** I understand that.

Do you believe or did you believe that there ought to be an investigation into the actions of the

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1 M. Carmody  
2 Appeals judges?  
3 **A I have no opinion one way or**  
4 **the other on something like that.**  
5 **Q** Have you held the opinion that  
6 their decision was ridiculous?  
7 **A I don't recall ever saying that**  
8 **either. I did not agree with the decision**  
9 **at all. I don't ever recall saying**  
10 **ridiculous.**  
11 **Q** Did you hold the view or have  
12 you held the view that somebody must have  
13 gotten to the Appeals Court judges?  
14 **A That, I would never say. I**  
15 **don't even know how they came up with that.**  
16 **I don't even know who wrote this. I don't**  
17 **even know who wrote this report. Kenneth**  
18 **Christopherson?**  
19 **Q** What is it about the Appeals  
20 decision that you disagree with?  
21 MR. MITCHELL: Objection to  
22 form. You can answer.  
23 **A I don't even know -- That's**  
24 **what I don't understand. I don't know what**  
25 **the Appeals decision was.**

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1 M. Carmody  
2 **Q** Maybe I misunderstood. I  
3 thought a moment ago you said that you did  
4 not agree with it?  
5 **A I did not agree that they**  
6 **granted his appeal and I don't remember what**  
7 **I was even referring to, to let him out of**  
8 **jail or whatever it was. I don't recall.**  
9 **Q** Do you have any understanding  
10 of what the basis was for their decision?  
11 **A No.**  
12 **Q** You simply did not agree with  
13 the result, but you don't know one way or  
14 the other what reasoning?  
15 **A I didn't agree with the result,**  
16 **right, you're correct. That's exactly.**  
17 **Q** Did you believe that the  
18 Tankleff murders were a crime of passion?  
19 **A I thought that it was a crime**  
20 **of rage.**  
21 **Q** And explain, what does that  
22 mean to you?  
23 **A The viciousness of the crime.**  
24 **And my training and my experience was that**  
25 **this was done by someone very closely**

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1 M. Carmody  
2 **related to the victims because of the**  
3 **overkill.**  
4 **Q** What do you mean by the  
5 overkill?  
6 **A The slashing of the throats,**  
7 **the viciousness of the crime, the nature of**  
8 **the injuries, multiple injuries.**  
9 **Q** Okay. So the fact that the  
10 attacks appeared to be vicious and there  
11 were multiple injuries suggests to you that  
12 the person who committed the crimes knew the  
13 victims?  
14 **A To me, yes, very closely.**  
15 **Q** In your experience as a  
16 homicide detective, you had never seen a  
17 vicious attack with multiple injuries where  
18 the perpetrator was not a close relative of  
19 the victim or close to the victim?  
20 MR. MITCHELL: Objection to the  
21 form. You can answer.  
22 **A In cases like this, no, I**  
23 **haven't. Sometimes you would see -- Like,**  
24 **if someone was involved in a fight with**  
25 **another person, that would be different, but**

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1 M. Carmody  
2 **it's something like this where it involves**  
3 **parents and a house and this overkill, as I**  
4 **call it, with the numerous injuries.**  
5 **I find it that it would be my**  
6 **own conclusion that it was done by somebody**  
7 **very closely related to the victims.**  
8 **Q** When you say related, you mean  
9 as in a relative or somebody who had a close  
10 relationship with the victim?  
11 **A Generally, somebody that is**  
12 **very closely related like a lover or a**  
13 **family member, somebody that had very close**  
14 **contact with those victims.**  
15 **Q** What about somebody who had  
16 known the victims for years and had a number  
17 of business dealings with the Tankleffs?  
18 MR. MITCHELL: Objection to  
19 form. You can answer.  
20 **A I can't answer that.**  
21 **Q** Did you do anything in the  
22 course of this investigation to investigate  
23 the possibilities that Jerry Steuerman might  
24 be involved in the Tankleff murders?  
25 **A What is that question?**

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1 M. Carmody  
2 **Q** Did you do anything in the  
3 course of this investigation to investigate  
4 the possibility that Jerry Steuerman might  
5 be involved in the Tankleff murders?  
6 **A No.**  
7 **Q** Are you aware of any  
8 investigation that was done by others  
9 working the Tankleff murders into the  
10 possibility that Jerry Steuerman might be  
11 involved in the murders?  
12 **A Not that I recall.**  
13 MR. POLLACK: I don't think I  
14 have anything else, Mr. Carmody, but  
15 let me speak with Mr. Barket here.  
16 (At this time, a brief recess  
17 was taken.)  
18 **Q** Go to the notes that start with  
19 4508.  
20 **A (Complying.)**  
21 **Q** If you could go to Page 4514.  
22 **A Yes, sir.**  
23 **Q** Are these the notes of your  
24 interviews of the ambulance crew that you  
25 conducted at Mather Hospital?  
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1 M. Carmody  
2 **A Yes, sir.**  
3 **Q** And apparently they started at  
4 8:56 a.m.?  
5 **A It looks that way, yes.**  
6 **Q** If you go to the bottom of the  
7 page it references Ethel Curley?  
8 **A Yes, sir.**  
9 **Q** And on the next page there are  
10 notes that start, dispatched at 6:11?  
11 **A Yes.**  
12 **Q** Do you know who you're getting  
13 that information from? Was that from Ms.  
14 Curley?  
15 **A I could not say if it was from**  
16 **her, but it was from one of the ambulance**  
17 **people.**  
18 **Q** Do you remember talking to all  
19 three of these individuals that are listed  
20 on the prior page?  
21 **A Yes. I remember speaking to**  
22 **all of them.**  
23 **Q** Together or separately?  
24 **A I think they were all together.**  
25 **They were all standing there.**  
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1 M. Carmody  
2 **Q** So whoever was speaking, all  
3 three of them were present?  
4 **A It's very possible. I can't**  
5 **recall exactly but it's possible.**  
6 **Q** Do you recall there being any  
7 disagreements where the speaker said  
8 something and one of the others corrected or  
9 had a different view?  
10 **A No, sir, I don't recall that.**  
11 **Q** Did you understand the  
12 information being relayed to be information  
13 that all three of them agreed with?  
14 **A Yes.**  
15 **Q** On 4515, in the middle of the  
16 page it says, "at scene about 6:24 hours.  
17 Young male in driveway waiting for  
18 ambulance." And then, can you read what it  
19 says after that?  
20 **A "White male, early twenties,**  
21 **dark hair, thin build, white T-shirt, boxer**  
22 **shorts. Unknown shoes." I guess unknown if**  
23 **he was wearing shoes. "Did notice blood on**  
24 **said person."**  
25 **Q** And --  
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1 M. Carmody  
2 **A "Police officers on scene."**  
3 **Q** You're good. Stop there.  
4 **A Okay.**  
5 **Q** And the individual that's being  
6 described here, did you come to the  
7 understanding that that individual is Martin  
8 Tankleff?  
9 **A Yes, sir.**  
10 MR. POLLACK: Mr. Carmody,  
11 that's all I have for you. I thank  
12 you for your participation today.  
13 THE WITNESS: You're very  
14 welcome, sir.  
15 (Whereupon, the deposition of  
16 Mr. Carmody was concluded.)  
17 (Time noted: 11:25 a.m.)  
18  
19  
20 \_\_\_\_\_  
21 MIKE CARMODY  
22  
23 Subscribed and sworn to before me  
24 this \_\_\_\_ day of \_\_\_\_\_, 2014.  
25  
\_\_\_\_\_  
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1

2 CERTIFICATION

3 I, DOLLY FEVOLA, a Notary Public in

4 and for the State of New York, do hereby certify:

5 THAT the witness whose testimony is herein

6 before set forth, was duly sworn by me; and

7 THAT the within transcript is a true record

8 of the testimony given by said witness.

9 I further certify that I am not related,

10 either by blood or marriage, to any of the parties

11 to this action; and

12 THAT I am in no way interested in

13 the outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto

15 set my hand this 2nd day of May, 2014.

16

17

18 -----

19 DOLLY FEVOLA

20

21

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23

24

25 FEVOLA REPORTING & TRANSCRIPTION INC. (631) 724-7576

1

2 ERRATA SHEET FOR THE TRANSCRIPT OF:

3 Case Name: Martin Tankleff vs The County of

4 Suffolk. K. James McCreedy, et al

5 Deposition Date: April 14, 2014

6 Witness: Mike Carmody

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21 -----

22 Signature

23

24 Subscribed and sworn to before me

25 this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(NOTARY PUBLIC)

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